

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 08-70461

SHIRLEY A. SMITH, *pro se*, and
MARVIN G. SMITH, *pro se*,

Chapter 7

Judge Thomas J. Tucker

Debtors.

**ORDER REOPENING CASE, VACATING ORDER OF DISCHARGE,
AND DISMISSING CASE**

On December 12, 2008, Debtors filed a joint voluntary petition for relief under Chapter 7, initiating this case. At the time Debtors filed this case, they already had pending another Chapter 7 case. (Case No. 08-66181, filed on October 27, 2008). The Court granted Debtors a discharge in Case No. 08-66181 on February 11, 2009 (Docket # 39), while this case (Case No. 08-70461) was also pending.

On March 26, 2009, the Court erroneously entered an order discharging Debtors in this case (Case No. 08-70461)(Docket # 15). Debtors were not entitled to a discharge in this case because Debtors had been granted a Chapter 7 discharge “in a case commenced within 8 years before the date of the filing of the petition” in this case. *See* 11 U.S.C. § 727(a)(8). Furthermore, Debtors may not have two Chapter 7 cases pending at the same time. For these reasons, cause exists under 11 U.S.C. § 350(b) to reopen the case, and the Court will vacate the order of discharge issued in this case, and then dismiss the case. (Debtors’ discharge in Case No. 08-66181 will remain intact and effective.)

Accordingly,

IT IS ORDERED that this case is REOPENED.

IT IS FURTHER ORDERED that the Order entered in this case discharging the joint

Debtors (Docket # 15), is VACATED.

IT IS FURTHER ORDERED that this case is DISMISSED.

Signed on April 03, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge